

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DEANDRE THOMPSON,

Petitioner,

vs.

W.A. SHERROD,

Respondent.

)
)
)
)
)
)
)
)
)
)
)

Case No. 09-cv-436-DRH-PMF

REPORT AND RECOMMENDATION

FRAZIER, Magistrate Judge:

Before the Court is Deandre Thompson's § 2241 petition for a writ of habeas corpus. Thompson is challenging the Bureau of Prisons' computation of his federal sentence, claiming that he should receive presentence credit for 1,239 days (or in the alternative for 648 days) spent in custody. Because Thompson is no longer confined in this District, respondent challenges this Court's jurisdiction and venue. Alternatively, respondent maintains that Thompson is not entitled to receive additional credit for time that was counted toward service of a state sentence.

Thompson is confined on federal charges arising in the U.S. District Court for the Eastern District of Missouri. He was confined within this District -- at FCI-Greenville, Illinois -- for the period between January, 2007 and October, 2009. Both Thompson and his custodian were in this District at the time the petition was filed. However, in November, 2009 -- while the petition was pending preliminary review -- Thompson was

transferred from FCI-Greenville, Illinois, to FCI-Pollock, Louisiana. Unfortunately, Thompson did not promptly notify the Court of his transfer.

Sherrod's request for a transfer to the appropriate district court is unopposed. Because the proper respondent in habeas litigation is the inmate's custodian, habeas litigation should be conducted in the district where the petitioner is confined; that is, where his custodian may be found. *Al-Marri v. Rumsfeld*, 360 F.3d 707, 709 (7th Cir. 2004); see also, *Marri v. Rumsfeld*, 360 F.3d 707, 708 (7th Cir. 2004)(the warden is the immediate custodian of a federal inmate). This District is no longer an appropriate forum to decide Thompson's habeas claim. FCI-Pollock is located in region served by the U.S. District Court for the Western District of Louisiana.

IT IS RECOMMENDED that this action be transferred to the U.S. District Court for the Western District of Louisiana.

SUBMITTED: October 26, 2010.

s/ Philip M. Frazier
Philip M. Frazier
United States Magistrate Judge